

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,)
Plaintiff,) 2:18-CR-00049-KJD-PAL
(Third Request)
vs.)
ELISEO GUTIERREZ,)
Defendant.)

FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. This is the third request for a continuance;
 2. That more time is needed to discuss potential plea deals and determine if the matter can be resolved short of trial;
 3. That Defendant ELISEO GUTIERREZ is in custody and does not oppose this continuance;
 4. That Assistant United States Attorney, SUSAN CUSHMAN does not oppose this continuance;
 5. That denial of this request for a continuance could result in a miscarriage of Justice;
 6. For all the above-stated reasons, the ends of justice would best be served by a continuance of the current pre-trial motion deadline for five (5) days.

CONCLUSIONS OF LAW

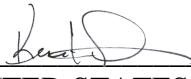
The ends of justice served by granting said continuance outweigh the best interests of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice and would deny the defendant continuous treatment as ordered by United States Pretrial Services. The continuance sought herein is

1 excludable under the Speedy Trial Act, Title 18 United States Code Section 3161(h)(3)(A),
2 and Title 18 United States Code Sections 3161(h)(7)(A), considering the factors under Title 18
3 United States Code Sections 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

4 **ORDER**

5 IT IS THEREFORE ORDERED that the pre-trial motion deadline is extended to
6 Monday, October 1, 2018.

7 DATED this 28th day of September, 2018.

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10 
11 UNITED STATES DISTRICT COURT JUDGE

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13 Respectfully submitted by:



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